

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TONY J. BELL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 11-181 Erie
)	
SUPERINTENDANT WALSH, THE)	
ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA, and)	
DISTRICT ATTORNEY OF ERIE)	
COUNTY)	
)	
Defendants.)	

MEMORANDUM ORDER

This Petition for Writ of Habeas Corpus was received by the Clerk of Court on August 29, 2011, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On August 30, 2011, Magistrate Judge Baxter Ordered the Petitioner to pay the filing fee or file a motion to proceed in forma pauperis by September 15, 2011. Petitioner paid the filing fee, and his Petition for Writ of Habeas Corpus was filed on September 7, 2011 at ECF No. 4. Defendants filed their responses to the Petition and on January 22, 2013, Magistrate Judge Baxter issued a Report and Recommendation recommending that the Petition for Writ of Habeas Corpus be denied and in addition a Certificate of Appealability be denied. ECF No. 13.

The parties were allowed until February 8, 2013, to file objections. No Objections were filed. After de novo review of the pleadings and documents in the case, together with the report

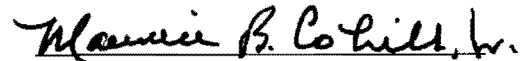
and recommendation and objections thereto, we adopt Magistrate Judge Baxter's January 22, 2013 Report and Recommendation as the Opinion of the Court.

Accordingly, the following Order is hereby entered.

AND NOW, this 12th day of February, 2013, it is HEREBY ORDERED, ADJUDGED and DECREED that Petitioner's Petition for Writ of Habeas Corpus is hereby DENIED.

IT IS FURTHER ORDERED that a Certificate of Appealability is DENIED.

The Report and Recommendation dated January 22, 2013 (ECF No. 13) is adopted as the Opinion of the Court.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Counsel of Record

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